

APPLICATION OF DANA WALKER TUCKER
FOR CIRCUIT JUDGE
21st CIRCUIT JUDICIAL COMMISSION
ST. LOUIS COUNTY, MISSOURI

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.

NAME: Dana Walker Tucker



1. State your present principal occupation:

I am currently a partner at Fox Galvin law firm.

2. Are you at least 30 years of age? **Yes.**

3. (a) How long have you been a citizen of the United States? **52 years**
(b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? **Yes.**
(c) How long have you been a qualified voter of Missouri? **I was a qualified voter of Missouri from 1981 through 2000 at which time I moved to Florida. I have been a qualified voter of Missouri since my return in 2002 to the present.**

4. Are you licensed to practice law in Missouri? **Yes.**

List any other states, courts, or agencies in which you are licensed as an attorney:

Eastern District of Missouri	January 1996
Illinois	April 2003
Central District of Illinois	September 2003
Southern District of Illinois	October 2003
Florida	August 2000 (retired)

5. State the date you were admitted to the Bar in Missouri? **I was admitted to the Missouri Bar in April 1995.**

Missouri Bar Number: #43273

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

University of Missouri Columbia August 1982 - 1986 BA Communications
127 Jesse Hall
Columbia, MO 65211

St. Louis University Law School August 1991 - 1994 JD
221 N. Grand
Saint Louis, MO 63103

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Delta Air Lines, Inc.
P.O. Box 20706
Atlanta, Georgia 30320-6001
August 1986 – August 1990

Husch & Eppenger (currently Husch Blackwell Sanders LLP)
190 Carondelet Plaza, #600
Saint Louis, Missouri 63105
August 1994 – August 1996

Banks & Associates
415 S 18th Street
Saint Louis, Missouri 63103
August 1996 – January 2000

Gary, Williams & Parenti
221 E. Osceola Street
Stuart, Florida 34994
January 2000 – July 2002

Fox Galvin, LLC.
1 South Memorial Drive
Saint Louis, Missouri 63102
July 2002 – February 2009

**Washington University School of Law
One Brookings Drive
Saint Louis, Missouri 63130
2002 – 2004**

**Missouri Attorney General
815 Olive Street
Saint Louis, Missouri 63101
February 2009 – February 2016**

**Fox Galvin, LLC.
1 South Memorial Drive
Saint Louis, Missouri 63102
March 2016 - Present**

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome.
 - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome. **Not Applicable**
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes.**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attached.**
11. Have you briefed or argued any case before any appellate court?
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. **See attached.**

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

For the past seven and a half years, I have fulfilled an appointment as the Chief Counsel of the Eastern Region for the Missouri Attorney General. I received this appointment by Attorney General Chris Koster after his successful election in 2008. As Chief Counsel, my primary responsibilities consisted of managing the St. Louis office and staff, including attorneys, paralegals, investigators and secretaries. In addition, I managed and maintained my own personal case docket. During my time with the Attorney General I took great pride in acting as a mentor to our young attorneys, law school, undergrad and high school interns.

Over the past twenty years, I have gained a tremendous amount of actual courtroom experience. I have tried personal injury, wrongful death, and employment discrimination cases in St. Louis City, County and the Eastern and Western District of Missouri. My responsibility consisted of opening the file, investigation, discovery, motion practice and ultimately jury trial. One of my greatest litigation experiences was second chairing noted trial attorneys Willie Gary and Johnnie Cochran in a multi-million dollar misappropriation of trade secrets case against Walt Disney World.

Due to the end of my appointment, I was invited by the partners and shareholders to return to Fox Galvin. As a partner, I currently manage and defend commercial litigation, product liability and employment claims. As part of this process, I conduct initial client and fact witness interviews to assess defensibility of cases. I am also involved in the preliminary investigation of facts which allows me to advise clients and national counsel of their legal rights, defenses and alternatives. I am also responsible for drafting pleadings and discovery, and conducting expert, witness, and party depositions. Prior to trial I represent clients in mediations, alternative dispute resolutions, and settlement negotiations. If these are not successful, I participate as lead and/or second chair in trial proceedings.

13. Have you ever been convicted of a misdemeanor or felony? **I have never been convicted of a misdemeanor or felony.**
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **I have never been sued by a client. I was the petitioner in my divorce case.**
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **I have never been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof.**
16. Have you ever been held in contempt of court? **I have never been held in contempt of**

court.

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

Not Applicable.

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **To my knowledge, I have never been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct.**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar, Member (1994-present)

St. Louis County Bar Association, Member (2012-present)

Mound City Bar Association, Member (2002-2009, 2013-present)

Illinois Bar, Member (2003-present)

National Bar Association, Member (2002-2009)

Defense Research Institute, Member (2004-2009)

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

As a parent of a young child in the Pattonville School District, I spent a great deal of time working within the school district, including Willow Brook Elementary and Pattonville Heights Middle School. I served on various committees as well as chairperson of the fundraising committee for Pattonville Heights. I was also a

member of the Parent/Teacher Organization, Pattonville School Improvement Team and former member of the Pattonville Parental Advisory Committee.

In addition to working in the Pattonville School District, there have been other ways in which I have contributed to my community. My son and I have participated in Socks and Sandwiches for several years at Old Bonhomme Elementary School which services the homeless. I have spoken on several occasions to various neighborhood association and AARP groups regarding the Attorney General's Office and our role in the community. I serve on the Board of Directors at St. Louis Children's Choirs (SLCC) and commit a tremendous amount of volunteer hours at the Center of Contemporary Arts (COCA). Through my neighborhood and community involvement I am constantly exposed to a diverse group of people with unique lives and life experiences.

21. Do you now hold or have you ever held any elective or appointive public office or position? **Yes.**

If yes, provide details:

I was appointed Chief Counsel of the Eastern Region by Attorney General Chris Koster from 2009 – 2016.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

Not applicable.

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

I have received a National Institute of Trial Advocacy Diploma 2006 and the St. Louis University Black Law Students Outstanding Attorney Award 2010. In addition, I have presented several continuing legal education courses. The following is a list of those courses:

Fox Galvin Employment Law Seminar

Stay One Up on the Competition

Missouri & Illinois Non Compete Law

2005

Employee Discipline & Termination

2006

Mound City Bar Association

Effective Client Development Strategies

Obtaining and Retaining Clients

2008

Missouri Attorney General's Office
In-house deposition training and trial strategies
2010/2011

American Bar Association
State Attorneys General:
More Than Meets the Eye
2012

Bar Association of Metropolitan St. Louis
Women In the Legal Profession
2012

Missouri Attorney General's Annual Conference
Improving Efficiency through Better Time Management and Use of Support Staff
2013

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Richard E. Banks, Esq.
415 S. 18th Street
St. Louis, MO 63103
(314) 721-4040

Pamela Martin
801 Pebblefield Terrace
Manchester, MO 63021
(636) 675-2181

Cheryl Manley
Vice President and Senior Counsel
Charter Communications, Inc.
12405 Powerscourt Dr
Saint Louis, MO 63131-3673
(314) 965-0555

Denise McElvein, Esq.
815 Olive
St. Louis, MO 63101
(314) 340-7883

Matthew J. Devoti
Casey & Devoti
124 Gay Ave.
St. Louis, MO 63105
(314) 421-0763

25. State any additional data you deem relevant:

A. Public Service: I have been committed to public service for most of my adult life. I have sat on several boards as well as committed time to helping others. I truly believe it is important to give back both professionally and personally.

Public service has enhanced my patience and my capacity to listen and make sound decisions for clients as well as individuals. If selected to sit on the bench in St. Louis County, these are attributes I will definitely carry forward and apply to my daily service.

- B. Diverse Legal Experience:** I am a seasoned trial attorney with twenty plus years of litigation experience. Until February 2009, I was in private practice where at various times my focus was on personal injury, commercial litigation, medical malpractice, and product liability from both the plaintiff and defense perspective. Also during the course of my professional career I gained a wealth of experience in health care law litigation. Specifically in defending two of the country's top hospitals and major pharmaceutical companies in product liability, serious personal injury, and wrongful death claims.

Some of my most recognizable achievements consist of:

- Being on a trial team and obtaining one of the largest jury verdicts in the state of Florida;
- Being named Partner at Fox Galvin, LLC. after only two and a half years with the firm;
- Obtaining an injunction in a covenant not-to-compete dispute, saving the health care provider over \$1 million;
- Representing an oil and gas company in multi-district litigation against "hot gas" complaints, alleging deceptive and misleading practices and conspiracy;
- Successfully defending a complaint alleging HIV exposure against a latex glove manufacturer; and
- Being appointed Chief Counsel for the Eastern Region of the Missouri Attorney General's Office in February 2009.

- C. Management/Leadership Experience:** As a partner in a mid size law firm and as Chief Counsel of the Eastern Region of the Missouri Attorney General's Office, I have tremendously enhanced my managerial and leadership abilities. As a result of years of practical experience and these leadership roles, I am an effective listener, an educator, a problem solver, a multi-tasker, and mediator. I have strong interpersonal skills and a keen ability to relate to people—which is vital for effective communication. Most importantly, I have balanced these roles while efficiently maintaining my personal caseload. These are qualities that are imperative and that I will bring with me if selected for this esteemed position.

- D. Mentoring:** One of the most fulfilling aspects of my career has been the opportunity to mentor young lawyers and law students. I also take pride in managing and being extremely active in the internship program in the St. Louis office of the Attorney General. In addition to previously serving as a litigation division team leader, I have also taught trial training and deposition training to the young lawyers within our office. It is my responsibility to appreciate the